

APPEAL NO. 040370
FILED MARCH 29, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on January 12, 2004. With regard to the issues before her, the hearing officer determined that the respondent (claimant herein) sustained a compensable injury on _____; that the claimant had disability from September 7, 2002, continuing through the date of the CCH; that the appellant (carrier herein) is not relieved of liability due to the claimant's failure to timely report the injury as the claimant did timely report the injury; and that the claimant is not barred from pursuing workers' compensation benefits because of an election of remedies. The carrier filed a request for review to which the claimant replied.

DECISION

A timely appeal not having been filed, the decision and order of the hearing officer have become final pursuant to Section 410.169.

Records of the Texas Workers' Compensation Commission (Commission) show that the decision of the hearing officer was received by the carrier's representative on January 27, 2004. The carrier states in its request for review that it received this decision on January 29, 2004.

Under Section 410.202(a), an appeal, to be timely, must be filed or mailed within 15 days of the date of receipt of the hearing officer's decision. Section 410.202(d) was amended effective June 17, 2001, to exclude Saturdays, Sundays, and holidays listed in Section 662.003 of the Texas Government Code from the computation of time in which to file an appeal.

Pursuant to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § Rule 156.1 (Rule 156.1), a carrier shall designate an Austin representative to act as its agent for receiving notice from the Commission, and any notice to the Austin representative of the carrier is notice from the Commission to the carrier. See Texas Workers' Compensation Commission Appeal No. 010406, decided April 1, 2001, and Texas Workers' Compensation Commission Appeal No. 93327, decided June 3, 1993. Therefore, we count the carrier's 15-day period to file or mail its request for review from January 27, 2004.

The last day for the carrier to timely file an appeal would have been Wednesday, February 18, 2004.¹ The carrier sent its request for review to the Commission both by facsimile transmission and by U. S. mail. The envelope containing the carrier's appeal is postmarked February 19, 2004, the same day the carrier sent the facsimile

¹The time was extended because February 16, 2004, was Presidents' Day, a national holiday.

transmission. The carrier's appeal is untimely, having been sent after the 15-day deadline set by Rule 143.3(c).

The carrier's appeal being untimely, the decision and order of the hearing officer have become final. Section 410.169.

The true corporate name of the insurance carrier is **ST. PAUL FIRE & MARINE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
701 BRAZOS, SUITE 1050
AUSTIN, TEXAS 78701.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Margaret L. Turner
Appeals Judge